

# HOUSE JOURNAL

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SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-SECOND DAY — MONDAY, MARCH 26, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 74).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

The invocation was offered by Reverend Jeff L. Waldo, associate pastor, University Baptist Church, Houston, as follows:

O God almighty, we pause in this day to acknowledge you. We see the beauty of your hand's creation as we see the beauty of spring and we are reminded of your steadfast character as once again new life comes forth in this season.

We invite your creative and courageous presence among us today in this legislative season. Help us see and embrace the new possibilities before us. Help us be people of vision for the future generations. Yet also remind us of those who have provided for us in this present moment. Give us courage to hold the tension of good stewards as we consider those who have gone before as well as for those who have yet to be.

We thank you for each representative here today. As scripture instructs, we pray for these who carry the responsibility of government. May they know the blessing and provision that comes from your hand. Thank you for their commitment to serve.

We pray the work done here today be for the common good, peace, and provision for all people. O God, may your heart and mind be made known.

And may the fruit of our service reflect the compassion and hope known in your kingdom.

We offer this prayer to your listening ear. Amen.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of illness:

Hilbert on motion of Haggerty.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Bosse who presented Dr. Donald Niño of Channelview as the "Doctor for the Day."

The house welcomed Dr. Niño and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **HR 596 - ADOPTED (by Nixon and Woolley)**

Representative Nixon moved to suspend all necessary rules to take up and consider at this time **HR 596**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 596**, Recognizing the visiting members of the Capitol Scholars group.

**HR 596** was read and was adopted without objection.

#### **HR 607 - ADOPTED (by Nixon)**

Representative Nixon moved to suspend all necessary rules to take up and consider at this time **HR 607**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 607**, Congratulating the Honorable Rick Green on the occasion of his 30th birthday.

**HR 607** was read and was adopted without objection.

#### **HR 605 - ADOPTED (by Wise)**

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 605**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 605**, Honoring Gilbert Zepeda on receiving the Texas Medal of Arts Award.

**HR 605** was adopted without objection.

**HR 606 - ADOPTED**  
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 606**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 606**, Congratulating Donald E. Thompson of Weslaco for being crowned King Citrus LXIV of the Texas Citrus Fiesta.

**HR 606** was adopted without objection.

**HR 236 - ADOPTED**  
(by Keel)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 236**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 236**, Congratulating Victor and Krista Simonds of Pflugerville on the adoption of their daughter, Isabel Lin Simonds, on the occasion of her naturalization as a U.S. citizen.

**HR 236** was adopted without objection.

**HR 450 - ADOPTED**

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 450**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 450**, Honoring the Pflugerville National #1 "The Express" 7-8 year old All-Star Team on winning the Texas District 30 Little League Tournament of Champions.

**HR 450** was adopted without objection.

**REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Keel and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 29.

The motion prevailed without objection.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, March 29.

The motion prevailed without objection.

**POSTPONED BUSINESS**

The following bill was laid before the house as postponed business:

**SB 407 ON SECOND READING  
(Pickett and Hawley - House Sponsors)**

**SB 407**, A bill to be entitled An Act relating to the authority of a public entity to borrow funds from the state infrastructure bank.

**SB 407** was considered in lieu of **HB 1370**.

**SB 407** was read second time and passed to third reading. (Berman, Brown, Delisi, Heflin, and Hupp recorded voting no)

**HB 1370 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Pickett moved to lay **HB 1370** on the table subject to call.

The motion prevailed without objection.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**HB 1840 ON SECOND READING  
(by Junell)**

**HB 1840**, A bill to be entitled An Act relating to authorizing the comptroller to waive penalties and interest relating to the delivery of certain delinquent unclaimed property.

**Amendment No. 1**

Representative Junell offered the following amendment to **HB 1840**:

Amend **HB 1840** as follows:

(1) On page 1, line 9, between "property" and "if", insert ", including the contents of a safe deposit box.".

(2) On page 1, line 15, after "2." strike "(a) This Act takes effect September 1, 2001."

(3) On page 1, line 16, strike "(b)".

(4) On page 1, after line 22, insert the following:

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

**HB 1840**, as amended, was passed to engrossment.

**HB 1452 ON SECOND READING****(by Menendez)**

**HB 1452**, A bill to be entitled An Act relating to the placement of a person on community supervision in a proceeding to enforce an order in a suit affecting the parent-child relationship.

**HB 1452** was passed to engrossment.

**HB 1600 ON SECOND READING****(by E. Jones, Hinojosa, Martínez Fischer, Uresti, Menendez, et al.)**

**HB 1600**, A bill to be entitled An Act relating to the punishment for the offense of taking a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

**HB 1600** was passed to engrossment.

**CSHB 186 ON SECOND READING****(by Burnam)**

**CSHB 186**, A bill to be entitled An Act relating to certain insurance investigations regarding burglary or robbery losses or death claims.

**CSHB 186** was passed to engrossment.

**SB 585 ON SECOND READING****(Averitt - House Sponsor)**

**SB 585**, A bill to be entitled An Act relating to exemption of certain persons from the license requirements imposed under the Mortgage Broker License Act.

**SB 585** was considered in lieu of **HB 1067**

**SB 585** was passed to third reading.

**HB 1067 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Averitt moved to lay **HB 1067** on the table subject to call.

The motion prevailed without objection.

**HB 594 ON SECOND READING****(by Goodman)**

**HB 594**, A bill to be entitled An Act relating to findings of fact and conclusions of law by a court in a suit for dissolution of a marriage.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Goodman offered the following committee amendment to **HB 594**:

Amend **HB 594** on page 1 by striking lines 12-17 and substituting the following:

(1) the characterization of each party's assets, liabilities, claims, and offsets on which disputed evidence has been presented; and

(2) the value or amount of the community estate's assets, liabilities, claims, and offsets on which disputed evidence has been presented.

Amendment No. 1 was adopted without objection.

**HB 594**, as amended, was passed to engrossment.

**HB 461 ON SECOND READING**  
**(by Crownover)**

**HB 461**, A bill to be entitled An Act relating to imposing a recreational facility fee at the University of North Texas.

**HB 461** was passed to engrossment.

**HCR 224 - ADOPTED**  
**(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HCR 224**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 224**, Recognizing March 25, 2001, as Greek Independence Day.

**HCR 224** was adopted without objection.

**RULES SUSPENDED**

Representative Danburg moved to suspend the 5-day posting rule to allow the Committee on Elections to consider **HB 3181**.

The motion prevailed without objection.

Representative Hinojosa moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 1102**.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING**  
**AND REFERRAL TO COMMITTEES**  
**RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Insurance, 1:00 p.m. instead of upon adjournment today, posted meeting room, for a public hearing, to consider posted bills.

**ADJOURNMENT**

Representatives Janek and Gray moved that the house adjourn until 10 a.m. tomorrow in memory of Hope Hazelwood of Stanton, grandmother of Representative Eiland.

The motion prevailed without objection.

The house accordingly, at 11:23 a.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3641** (By Green), Relating to the creation, administration, powers, duties, operation, and financing of Hays County Water Control and Improvement District No. 3.

To Natural Resources.

**HB 3642** (By Counts), Relating to the creation, administration, powers, duties, operation, and financing of the Lower Seymour Groundwater Conservation District; authorizing a tax.

To Natural Resources.

**HB 3643** (By Seaman), Relating to the creation of the County Court at Law of Aransas County and to the jurisdiction of the County Court of Aransas County.

To Judicial Affairs.

**HCR 225** (By Chavez), Urging the Texas Higher Education Coordinating Board to establish a law school at The University of Texas at El Paso.

To Higher Education.

**HCR 226** (By Williams), Memorializing congress to modify the tax code to allow for the issuance of tax-exempt industrial revenue bonds for air pollution control facilities in nonattainment areas.

To Environmental Regulation.

**HCR 227** (By G. Lewis), Commending Tarrant County Judge Tom Vandergriff on his exemplary public service.

To Rules & Resolutions.

**HCR 228** (By Sadler), Designating March 27-28, 2001, as Marshall Days at the State Capitol.

To Rules & Resolutions.

**HR 597** (By Noriega, et al.), Honoring Empowering Teen Leaders and Community Teen Leaders for their many civic contributions.

To Rules & Resolutions.

**HR 598** (By Y. Davis), Honoring Constable Burl Jernigan of Dallas on his retirement from Dallas County Precinct 7.

To Rules & Resolutions.

**HR 599** (By G. Lewis), Honoring the Tarrant County District 95 spelling bee winners.

To Rules & Resolutions.

**HR 600** (By Hodge), Honoring Green Williams for receiving a 2001 Outstanding Texan Award from the Texas Legislative Black Caucus.  
To Rules & Resolutions.

**HR 601** (By Hodge), Honoring Dianne Gibson of Dallas on her receipt of an Outstanding Texan Award in the area of community service from the Texas Legislative Black Caucus.  
To Rules & Resolutions.

**HR 602** (By Hodge), Congratulating Anthony Mark Hankins of Dallas on his receipt of an Outstanding Texan Award in the area of business from the Texas Legislative Black Caucus.  
To Rules & Resolutions.

**HR 603** (By Hodge), Honoring Cleo Sims of Dallas for receiving an Outstanding Texan Award from the Texas Legislative Black Caucus.  
To Rules & Resolutions.

**HR 604** (By Hodge), Honoring Halice Furtado of Dallas for receiving an Outstanding Texan Award in the area of education from the Texas Legislative Black Caucus.  
To Rules & Resolutions.

**SB 11** to Public Health.

**SB 225** to Transportation.

**SB 285** to Public Health.

**SB 303** to Judicial Affairs.

**SB 304** to State Affairs.

**SB 337** to Ways & Means.

**SB 477** to Pensions & Investments.

**SB 496** to Insurance.

**SB 518** to Public Education.

**SB 575** to Higher Education.

**SB 587** to State Affairs.

**SB 613** to County Affairs.

**SB 625** to Judicial Affairs.

**SB 626** to Financial Institutions.

**SB 636** to Corrections.

**SB 650** to Ways & Means.

**SB 685** to Agriculture & Livestock.

**SB 691** to Human Services.

**SB 694** to State Affairs.

**SB 697** to Licensing & Administrative Procedures.



**SB 707** to Financial Institutions.  
**SB 723** to Judicial Affairs.  
**SB 739** to County Affairs.  
**SB 777** to Transportation.  
**SB 788** to Financial Institutions.  
**SB 797** to Judicial Affairs.  
**SB 799** to State Affairs.  
**SB 831** to Public Health.  
**SB 834** to Human Services.  
**SB 867** to State Affairs.  
**SB 884** to Natural Resources.  
**SB 926** to Natural Resources.  
**SB 936** to Land & Resource Management.  
**SB 938** to Agriculture & Livestock.  
**SB 950** to Transportation.  
**SB 969** to County Affairs.  
**SB 989** to Higher Education.  
**SB 994** to Insurance.  
**SB 1014** to Higher Education.  
**SB 1071** to Environmental Regulation.  
**SB 1089** to Transportation.  
**SB 1140** to State, Federal & International Relations.  
**SB 1165** to State, Federal & International Relations.  
**SB 1323** to Business & Industry.  
**SCR 5** to Transportation.

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

##### **Message No. 1**

#### **MESSAGE FROM THE SENATE SENATE CHAMBER**

Austin, Texas

Monday, March 26, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 509**                      Moncrief

Relating to an asbestos survey before issuance of a building permit to renovate or demolish certain buildings.

**SB 554**                      Carona

Relating to grants by the Texas Workforce Commission to assist economically disadvantaged persons enrolled in qualified postsecondary career education programs.

**SB 753**                      Van de Putte

Relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

**SB 923**                      Staples

Relating to the prosecution of the offense of fraudulent destruction, removal, or concealment of a universal product code.

**SB 966**                      Staples

Relating to preventing the consequences of theft, including retail theft; providing penalties.

**SCR 43**                      Van de Putte

Recognizing the importance of the facilities of the Pearl Brewing Company in San Antonio to Texas history.

Respectfully,

Betty King

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 22**

Human Services - **HB 1154, HB 1696, HB 1959, SB 47**

Juvenile Justice & Family Issues - **HB 1881, HB 2158, HB 2299, HB 2299, HB 2381, HB 2428, HB 2610, HB 2621, SB 25, SB 68, SB 233**

Public Health - **HB 288, HB 835, HB 976, HB 1087, HB 1251, HB 1278, HB 1279, HB 1369, HB 1516, HB 1591, HB 1927, HCR 109, SB 126**

State Affairs - **HB 1351**

State, Federal & International Relations - **HB 1924, HB 3097, HCR 11, HCR 119, HCR 201, HJR 82**

Transportation - **HB 1191, HB 1368**

**March 23**

Business & Industry - **HB 2311, HJR 5**

Corrections - **HB 2494**

Economic Development - **HB 1964**

Financial Institutions - **HB 540, HB 690, HB 1522, HB 1869**

Land & Resource Management - **HB 7, HB 906, HB 1723, SB 716, SB 827**

State Affairs - **HB 35, HB 1772, HB 1922**

**ENGROSSED**

**March 22 - HB 5, HB 198, HB 440, HB 519, HB 675, HB 992, HB 1018, HB 1110, HB 1132, HB 1467, HB 1506, HB 1569, HB 1621, HB 1634, HB 1645, HB 1737, HB 1747, HB 1753**

**SENT TO THE GOVERNOR**

**March 22 - HCR 178, HCR 194, HCR 220**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**March 22 - HB 1784, HB 1972, HB 2046, HB 2571, HB 2855, HB 3231, HB 3243**

**March 23 - HB 2223, HB 2362, HB 2432, HB 2529, HB 2572, HB 2643, HB 2913, HB 2959, HB 2998, HB 3095, HB 3135, HB 3474, HB 3475, HB 3544, HB 3625, HB 3626**